25 August 1993

NOTE FOR: All HRG Members

SUBJECT: Briefing of HPSCI on Denied JFK Documents

This is to let everyone know that HRG has been asked to brief the HPSCI staff on the 10,000 pages of JFK materials that we have denied in full (so far).

The request came from HPSCI Chairman Dan Glickman, who apparently anticipates questions from others in Congress about the denied documents.

Among the questions we are asked to address in the briefing are the following:

- How many documents are involved (as opposed to pages)?
- What specific types of sources and methods are we protecting?
- What is the review process?
- Who made the judgments to deny the documents?
- Are there provisions for continuing review of the denied documents?

We've asked that the briefing not take place until the week of 30 August, but HPSCI may want it sooner.

John P.

John F. Pereira

13-00000

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26 August 1993

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

HPSCI BRIEFING OUTLINE

JFK ASSASSINATION RECORDS

I. Overview: CIA declassification program for JFK records

- Sequestered files and Oswald 201 file
- Total JFK records:
  - Hardcopy documents: 162,000 pages (HSCA material\ [illegible] items
  - Microfilm: 73 reels, 150,000 pages

II. Resources devoted to JFK

Number of people:
- 15 HRG (9 staffers, 6 retirees)
- 25 indexers (overtime, weekends)
- 10 DO for coordination

III. Documents Released:

Oswald	35,000 pages ✓
Sequestered files	90,000 pages ✓
Total	125,000 pages ✓

Indexing and identification forms for each document
Show example of iden form

Withheld temporarily:

HSCA-originated:	20,000 pages
Third Agency	7,000 pages

Denied-in-full

- Continuing review of the DIF documents by HRG
- Likelihood CIA will release a number (many ?) of DIF
- Review Board's determination on DIF items

SAN - review for Panel

IV. Identification forms provided to NARA for each DIF Document

V. Types of information protected in DIF items

- Grounds for postponement of information under JFK Law

VI. Who made judgments on withholding documents

- 15 reviewers
- Followed procedures
- Senior Reviewers provided guidance
- Directorates coordinated
- Third agency coordination

VII. Issues for Review Board

FOR OFFICIAL USE ONLY

1 September 1993

HPSCI BRIEFING OUTLINE

JFK ASSASSINATION RECORDS

Introduction: Discuss how CIA fulfilled requirements of the JFK Act.
.Discuss the withheld documents

General Remarks

1. Every JFK record will be seen by the Review Board.

2. We have followed the JFK Assassination Records Act in determining which records will be postponed. (Section 6)

- Our presumption was that a record would be released.

3. We made every effort to meet the 22 August deadline established by the JFK Act. The Director was committed to this.

4. This called for a major effort--additional people, lot of overtime and weekend shifts.

5. We are continuing to review the postponed documents, and expect to release a high percentage of them.

13-00000

23 January 1996

CIA SPECIAL COLLECTIONS
RELEASE IN FULL
2000

Memo for Record

Subject: - Status of JFK Records Review

References: Letter from Marwell to Pereira, dtd 15 Dec 96, (same subject);
Letter from Pereira to Marwell, dtd 19 Jan 96, (response to above letter);
Phone Conversation with Marwell, 22 Jan 96, (same subject).

1. Marwell requested a figure for the number of records in the sequestered files that contained postponements. I explained that our review figures were based on pages and that there was no record count for the microfilm part of the collection. However, based on the HRG index unaudited record count (see below) of the Oswald 201 file and the JFK hardcopy boxes, I was able to give him an estimate of 28,000 records.

2. Unaudited HRG Index statistics:

	Total Records	Records w/Postponements
Oswald	4,349	1,871
JFK (63 boxes)	28,532	12,132
	32,881 (154,724 pages)	14,003

The page count for the hardcopy part of the collection is within 10,000 pages of the Microfilm (163,500). Given that the microfilm contains many duplicates and similar records as the hardcopy, the percentage of sanitized documents should be close to the same. I estimate the total number of records with postponements to be approximately 28,000.

NOTE FOR: Richard E. Schroeder
FROM: John F. Pereira
DATE: 03/27/96 05:54:53 PM
SUBJECT: Phone Conversation with Susan Oullette, HPSCI

As you requested, I called Susan Oullette, HPSCI Staff today to respond to her questions about JFK Assassination records. She said that the Committee was interested in the process used for declassifying the records, the status of our review, and what criteria we use for declassification.

Following are among the main topics we covered during a discussion of about 10 minutes on the STU-III:

- A description of the JFK records held by CIA
- Process of declassification (review by retired senior officers, coordination with DO, OGC, others)
- Criteria for redaction
- Coordination with FBI, other agencies on third agency documents.
- Presidentially-appointed JFK Assassination Records Review Board
    - -- Differences with the Board on release of certain information e.g., names of former employees, identification of stations
    - -- Current appeal to the White House of decision by Board to release certain information we redacted.
    - -- Efforts of the Board to identify additional records, including in other countries

Susan said that she may have enough information for now, but she would let me know if more would be needed. I invited her to visit us if she wanted more details or to look at the records.

CC: Brian S. Latell, J. Barry Harrelson, Fred Wickham @ DO

CONFIDENTIAL

EVENT: QUICK COM DATE: 03/27/96 TIME: 1500
PLACE: 7B00 HQS STATUS: X - KEY: C/96-05672
FOR: HPSCI
SUBJ: JFK ASSASSINATION DOCUMENTS

RESPONSIBLE OFFICER: RICHARD SCHROEDER - SECURE: 3-9940

---> (PARTICIPANTS) <---

ASSOC	NAME	ROLE
STAFF	OUELLETTE, SUSAN MARY (HPSCI)	
CIA	PEREIRA, JOHN (DCI/CSI)	BRFR

EXECUTIVE SUMMARY:

In response to a request from HPSCI staffer Susan Ouellettee, John Pereira, Chief of the Center for the Study of Intelligence's Historical Review Group, called her to discuss staff questions. Attached is his memo of that telecon.

QUOTE:

I called Susan Ouellette, HPSCI Staff today to respond to her questions about JFK Assassination records. She said that the Committee was interested in the process used for declassifying the records, the status of our review, and what criteria we use for declassification.

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Susan said that she may have enough information for now, but she would let me know if more would be needed. I invited her to visit us if she wanted more details or to look at the records.
END QUOTE

SUPPORTING TEXT:

---

no further text in this document (U)

Richard E. Schroeder
DCI/OCA/CLG
28 March 1996

Distribution: DCI/CSI
DO/ORMS
DDI
OGC
OCA
RES chrono

CL BY 620119
CL REASON 1.5C
DECL ON X1
DRV FM HUM 4-82
CONFIDENTIAL

13-00000

From the Desk of Richard E. Schroeder-C-

NOTE FOR: John Pereira
Laurie Goodwin @ DO
FROM: Richard E. Schroeder-C-
DATE: 03/28/96 01:19:41 PM
SUBJECT: HPSCI Request for staff brief on JFK assassination

HPSCI staffer Susan Ouellette liked John Pereira's 27 Mar 96 telecon on the JFK assassination issue (see attached note) so much that she'd like to schedule a staff brief for sometime in the next two weeks. She'd like the brief to concentrate on two issues mentioned by John in the telecon:

--Differences with the Board on release of certain info (names of former employees, identification of stations),

and --Current appeal to the White House of decesion of Board to release certain info we redacted.

Defer to John and DO addees to work out who'll brief (see separate note from DO/ORMS Laurie Goodwin re Bill McNair.)

Ouellette suggests c. 1000 either Apr 2, 3, or 4, or Apr 9, 10, 11 since HPSCI recess schedule is pretty open.
John, pls advise your timing preference. Thanks.

C9605672.DOC

CC: Brian Latell
Barry Harrelson
Fred Wickham @ DO
William McNair @ DO
Virginia B. OKUM @ DO
Montgomery Rogers
Charles Boykin
Joyce Woodburn
Jacqueline Mitchell

13-00000

MEMORANDUM FOR:

Attendees at the meeting with HPSI Members on Wed:

Mike Sheehy

Christine Healey

Steve Nelson

Doug Bowman

Bill Lieser

Date 4/96

FORM 5-75 101 USE PREVIOUS EDITIONS

*U.S. GPO: 1989-253-195/00416

TO: John Pereira
Laurie Goodwin @ DO
FROM: Richard E. Schroeder-C-
DATE: 04/03/96 12:57:18 PM
SUBJECT: Re: HPSCI Request for staff brief on JFK assassination

HPSCI staffer Susan Ouellette liked John Pereira's 27 Mar 96 telecon on the JFK assassination issue (see attached note) so much that she'd like to schedule a staff brief for sometime in the next two weeks. She'd like the brief to concentrate on two issues mentioned by John in the telecon:

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John, pls advise your timing preference. Thanks.

C9605672.DOC

I've now confirmed our briefing for HPSCI at 1030 Weds 10 April. Pls let me know who will attend for CSI and the DO. Thanks. OCA van will depart from OHB Main Entrance at 1000. RES 1255/3Apr96.

CC: Brian Latell, Barry Harrelson, Fred Wickham @ DO, William McNair @ DO, Virginia B. OKUM @ DO, Montgomery Rogers, Charles Boykin, Joyce Woodburn, Jacqueline Mitchell

From the Desk of Linda C. Cipriani

SECRET

NOTE FOR: John F. Pereira
J. Barry Harrelson
FROM: Linda C. Cipriani
DATE: 04/09/96 01:51:24 PM
SUBJECT: HPSCI talking points

Thought you may be interested in seeing in advance an outline of what I plan to say at the HPSCI briefing. Of course, I will be ready to alter this according to the circumstances of the meeting!

Talking Points

I. Statutory Authorities of the JFK Board

1. The JFK Act states that all government records relating to the JFK assassination should carry a presumption of immediate disclosure and that all records will eventually be disclosed. Although the Act allows for the postponement of release of certain information, all records will be disclosed in full by 2017 unless the President certifies that protection is still necessary.

2. Under the JFK Act, the JFK Board determines what is an "assassination record" and whether an assassination record qualifies for postponement. The Board has the power to direct a government agency to make available to it, not only assassination records, but additional information which it believes is necessary to fullfill its duties under the Act. It has has the power to request the Attorney General to subpoena private persons, records and other information relevant to its responsibilities under the Act.

II. Appeal Procedures set out in JFK Act

1. Once Board has determined whether a record shall be released or postponed, it must send a "Notification Letter" to the head of the agency (DCI)

2. Only recourse for an agency that disagrees with Board determination is to appeal to the President.

3. The President has 30 days from the date of the Notification Letter to reply to appeal

a. White House asks that agencies submit any

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appeals within 7 days of receiving Notification Letter

4. CIA has never before presented an appeal to the President; FBI presented an appeal last year but the White House told the parties to work out their difficulties.

III. February 8th Appeal

1. In November and December of 1995, the JFK Board notified DCI of the release of documents that would:

- implicate high-ranking Mexican officials in a joint tel-tap operation against foreign embassies - Mexican liaison (December 7)
- reveal station in Helsinki (December 27)
- identify sensitive unilateral source in the Nicaraguan service (November 28)

2. On February 8, DCI submitted an appeal to the President on these issues.

a. Admittedly, CIA did have problems getting appeal out on time. The JFK staff was very understanding of our time problems and arranged to give us more time. They too have recognized that the time periods set out in the Act are too short to bring an appeal.

b. The reason for CIA's delay was simply because the decision to appeal a Board determination to the President of the US is very difficult one to make, both on a procedural and a substantive level. As CIA never did an appeal before, it did not have an efficient system worked out.

c. Today, the procedure is as follows: Once HRG is notified of Board decisions, they immediately pass this on to OGC and the DO. The appropriate components within DO are asked whether the release would cause current damage to the national security or intelligence operations or sources. If so, they are tasked to provide a written assessment of that damage.

d. An appeal package is then prepared by OGC and the DO. This package must then be approved by GC, DDO, EXDIR, DDCI and DCI.

e. Although CIA's turn around time is improving, it can take several weeks to task the appropriate people, have them gather the information needed to prepare an appeal and then get this up to the DCI.

3. Despite our time problems, the JFK Staff was cooperative in the process of bringing this appeal to the President:

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a. Before submitting appeal to the President, I faxed copy of appeal to JFK Board's General Counsel with the idea that if it presented new and convincing evidence, he would present it to the Board during its session.

b. Shortly after submitting the appeal to the President, I spoke with White House Counsel and Counsel to JFK Board. We agreed to put the appeal on hold until the Board could review CIA's submission to the White House and possibly reconsider its determinations in light of additional information presented in the appeal.

c. I talked with JFK Board's Counsel and Executive Director regularly about the best way to handle the appeal. I arranged with them to have the General Counsel of CIA to come to the Board's February meeting and present new information regarding the issues on appeal.

d. On February 29, the General Counsel of CIA and I met with the JFK Board and their staff. We discussed issues on appeal as well as 3 other stations recently released (Oslo, Stockholm, Copenhagen).

e. Based on the information presented by CIA at this meeting, the Board reconsidered and agreed to protect all of the issues on appeal as well as 3 other stations.

IV. Future appeal procedures

1. Both JFK Board and CIA agree that we should never have to appeal something to the President and we should try to work out difficult issues on our own.

2. In the last 2 months, when CIA believed that a release would damage the national security, the Board has invited us to their meetings to present additional evidence on the issue. In some cases, they have reconsidered their decision and protected the information.

3. The Board also recently released Tokyo station - we are arranging to meet with them at the end of this month to present stronger arguments for protecting this station.

4. The Board is now considering the release of names of CIA employees who retired under cover. It is very important for CIA's mission that the names of its employees, especially those who remain covert, be protected even after retirement. In the spirit of cooperation and in the hopes of getting the Board to understand this, CIA helped arrange a meeting between the JFK Board's General Counsel and a retired CIA covert employee

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currently living in Europe. CIA hopes that after hearing from the employee about his objections to having his name released and the harm that may come to him, the Board will agree to protect his name, and others like him, from release.

CC:

SECRET

HPSCI BRIEFING - JFK DECLASSIFICATION 10 April 1996

1. Nature of the records--Oswald 201, Sequestered (hardy copy/microfilm 17 (63 + 72)

   - Other records: Minutes of DCI morning meetings; working files

   - Third Agency documents: FBI, SSCI, Presidential libraries

-> 2. Pages released (227,000)

   - Percentage of ~~pages~~ redacted; 70 %

3. Process of declassification

   - Former senior officers in HRG review

   - Coordination with OGC, DO (DO team detailed to HRG)

4. Standards for review in JFK Assassination Records Collection Act, 1992

   need summary of types of records

   - Records related to the assassination or investigation into the assassination [Cuban exile activities]

   - Law provides grounds for postponement of disclosure of records

     -- "Clear and convincing evidence" must be presented to the Board

       E.g., Identity of agent currently requiring protection

       - Source or method currently utilized

       - Foreign government relationship currently requiring protection

5. Board has authority to release records unless it agrees there is "clear and convincing evidence" to support a postponement

   - Board then has to justify on the record each redaction with which it agrees

   - Once a determination is made, Board must publish it in Federal Register within 14 days

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- Options available: substitute language e.g., "Northern European station"

    - Also, summary of a record

- Board has access to every document in full

6. Issues raised by Board's decisions:

- Problem: Board has difficulty in linking disclosure of information that is 30 years old with <u>damage</u> to current intelligence operations

- Identification of stations e.g., Helsinki Jan 1961 - Sept 1964 window exceptions

- Names of former Agency employees who retired under cover

    - Board guidelines: Protect person if retired under cover and now residing overseas, but not if in US * (1 year to provide addition evidence) *

- Liaison, joint operations in Mexico

- Briefing of the Board by Dave Edger, Jeff Smith, Central Cover, DO desk officers, others

- Problem of accumulative effect of releases--eroding cover, ability to conduct operations

7. Provision for appeal to the White House if we disagree with Board's determination

- President has sole authority to require postponement of a record or information

    --President required to advise the Board within 30 days of the Board's determination

        -- This is published in the Federal Register

8. Current appeal (now resolved)

- Issues: identification of Agency asset
  liaison relationship
  identification of station
  } document examples

- Potential appeal: Tokyo station

9. Additional requests of Board to review other records e.g., history of Mexico City station, Intelligence Community Staff records

Notes: • Board does n't accept "principle" as justification for postponement — requires evidence
• Even if agreement to protect (liaison mex) disagreements over specific / sub language at times
• precedent set by JFK → re FOIA etc

WTC/Memorandum for the Record

KEY: C/96-05677

EVENT: STAFF BRIEFING DATE: 04/10/96 TIME: 1030 STATUS: COMPLETE
PLACE: H-405 CAPITOL
FOR: HPSCI
SUBJ: JFK ASSASSINATION DOCUMENTS

—— (PARTICIPANTS) ——

ASSOC	NAME	ROLE
STAFF	BARTON, CHRISTOPHER (HPSCI)	
STAFF	DUPART, LOUIS H. (HPSCI)	
STAFF	EBERWEIN, CATHERINE D. (HPSCI)	
STAFF	HEALEY, LOUISE CHRISTINE (HPSCI)	
STAFF	LOWENTHAL, MARK M. (HPSCI)	
STAFF	OUELLETTE, SUSAN MARY (HPSCI)	
STAFF	SHEEHY, MICHAEL WILLIAM (HPSCI)	
CIA	CIPRIANI, LINDA (DCI/OGC)	BRFR
CIA	HARRELSON, BARRY (DCI/CSI)	BRFR
CIA	PEREIRA, JOHN (DCI/CSI)	BRFR
CIA	SCHROEDER, RICHARD (DCI/OCA)	SPRT
CIA	WICKHAM, FRED (DO/IMS)	BRFR

—— (EXECUTIVE SUMMARY) ——

Following a telephone conversation with HPSCI staff in which HRG/CSI noted a number of JFK assassination declassification issues (see OCA C/96-05672 of 27 Mar 96,) CSI, DO, and OGC briefed staff on the status of the JFK declassification effort, the 1992 law which established the JFK Assassination Records Review Board and the scope of the Board's authority, and the details of some current declassification issues we have been addressing with the Board. We noted the close working relationship between the Agency and the Board, and said that the Board staff is trying to understand the Agency's equities and perspectives. Some staff expressed concern about the Board's broad powers and authorities under the 1992 law, particularly regarding declassification of intelligence material bearing on identities, sources, and methods. (S)

—— (ADDITIONAL INFORMATION) ——

1. C/CSI/Historical Review Group Pereira opened by briefly describing the nature of the CIA JFK material. The open-ended "Oswald 201" also includes material gathered after the assassination, and the "sequestered file" is that material that was assembled for the JFK assassination investigations. The material was originally sanitized and released to the National Archives in 1993. We are now reviewing the 227,000 pages and attempting to justify the material we withheld. Some seventy percent of the released material contains redactions, although later in the briefing we noted that as our experience has grown the redaction standards have evolved and now most material (up to eighty percent) is being released whole. Some 25 senior annuitants, working closely with a DO team led by Wickham, have been performing the initial review. Pereira pointed out that we are not only reviewing the assassination records, but those records bearing on the House Assassinations Committee's investigation of the assassination. Pereira identified the five academic historians who make up the Board, and said they are supported by 30 full-time Board staffers headed by former Berlin Documentation Center chief David Marwell.

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WTC/Memorandum for the Record

Pereira said that the 1992 Act specifies that the Board must have "clear and convincing evidence" if we want to postpone release, and said that the Board requires "current justification" if we want to protect agent identities, sources and methods, or liaison identities. Under the law, the Board has the authority to release all information, and must justify in the Federal Register within 14 days any redactions. The Board sees the full text of all documents. Pereira said that we negotiate with the Board the use of summaries or generic descriptions (such as substituting "a northern European station" for Helsinki) and that the Board is making an "honest effort" to see the connection between 30 year old information and current damage to Agency equities. Dupart asked rhetorically whether the Board understood the concept of ongoing liaison, with Wickham saying that the Board clearly had a different perspective from the DO, and that the ADDO, General Counsel, Cover Staff and others have briefed the Board in detail to address this "problem." Harrelson pointed out that our joint teltaps had recorded Oswald himself, although we assured the clearly unhappy Dupart that we are trying to protect the fact that liaison cooperated in the teltaps. We also noted our effort to protect the identities of covert Agency employees, although we are working particularly hard in cases where the Agency employees now reside overseas. Pereira said we are concerned about the cumulative erosive effect on our cover and our ability to conduct operations. He noted that the Board tends to focus on individual specific cases without always focusing on the broader cumulative impact of their discrete decisions. (S)

2. Cipriani described the appeals process specified in the 1992 JFK Act. She also lent Sheehy a copy of the act, which he studied carefully during the briefing. Under the 1992 act, documents related to JFK carry the "presumption of release," with the Board defining which records fall under the act. We have to justify any redactions or postponements, and Board decisions can only be appealed to the President himself (which, as Cipriani dryly noted, tends to inhibit appeals.) The act also specifics very short deadlines, with only 30 days for the President to make his decision. (This means we have only about seven days to get our appeals out of Hqs and to the White House--a practical impossibility.) Our only appeal to date involved three issues: (i) a cable implicating senior Mexican officials in our joint teltaps, (ii) the identification of the very sensitive Helsinki Station, and (iii) the identity of a Nicaraguan source. In fact our appeal took several months, with the Board being very accommodating about the delay, and we finally were able to give the Board enough justification and explanation that they changed their position and spared the White House the decision. Healey noted that the Agency declassification team includes a DO team (as noted above,) and asked why we hadn't been able to head off the problem. Cipriani responded that new information arises for the Board to consider in making its determination, and Wickham elaborated by noting that the DO is reluctant to reveal sensitive current information to protect old material. He characterized this as a problem of "DO culture." At the same time, he cited the specific example of the Mexicans declining to meet the DCI on his recent Latin American trip as illustrative of Mexican sensitivity to the liaison issue. We later noted that the only other appeal thus far involves the FBI, and the White House has told the Bureau to resolve the matter with the Board. (S)

3. Pereira noted to the staffers that we're dealing with very short deadlines involving enormous volumes of material, and illustrated by showing the staff a bulky recent Board declassification notification which we must review to confirm we have no problem with the material involved. In response to a Sheehy question, Harrelson reminded staff that the original redaction and submission to the Board took place in 1992-3, and as noted above, our redaction standards and judgements have evolved since then. Further, we have to double-check each release to confirm we concur, and in some cases compare substitute language. Sheehy asked why we would object to such a thing as the acknowledgment of Tokyo Station, and seemed impressed and persuaded when Wickham patiently explained that both the Japanese and Ambassador Mondale have strongly recommended against confirming the existence of the Station. The Japanese are very sensitive to any public acknowledgment of our liaison relationship. Wickham noted that the Board is trying to document Oswald's travels, and wants to identify stations reporting such travel. Pereira said that we recognize the need to report the facts, but want to protect details

WTC/Memorandum for the Record

KEY: C/96-05677

that do not add to the story but harm our equities. In response to a Healey question, Pereira said we are making progress in giving the Board staff the context and framework necessary to appreciate and support our concerns. He said the staff tries very hard to give the Board necessary background, and Wickham seconded Pereira's assessment that we have a very good working relationship with the staff. Under the provisions of the Act, the Board will be working until October 1997, dealing with CIA, FBI, DepState, as well as private individuals and even foreign governments. They are interviewing people, and as Pereira noted, "getting theories." (S)

4. Staff, even those who asked pointed questions like Healey and Sheehy, seemed satisfied. Majority Staffer Eberwein, perhaps reflecting concerns voiced by Deputy Majority Director Dupart about protecting Agency sources and methods, however, expressed concern later about possibly amending the '92 act to moderate the act's bias toward release. Indeed, she contacted OCA lawyer Cindy Ellis and asked her to draft language amending the act. It had not been my impression during the briefing that staff had been especially concerned about the act to the point of intending to modify it, and its also unclear whether Eberwein was acting on behalf of senior majority staff or the membership in asking OCA to suggest modifications to the act. (S)

Richard E. Schroeder (C)
CIA Liaison Group
Office of Congressional Affairs

DCI/OCA/CLG/RESchroeder:dms/39940 (15 Apr 96)

Distribution:
Original - OCA Records
1 - D/OCA
1 - DCI/CSI
1 - DO/IMS
1 - DO/ORMS/CAG
1 - DCI/OGC
1 - RESchroeder Chrono

---- (FOLLOW-UP ACTION ITEMS) ----

There were no Action Items on file for this event.

SECRET

EVENT: STAFF BRIEFING DATE: 04/10/96 TIME: 1030
PLACE: H-405 CAPITOL STATUS: X - KEY: C/96-05677
FOR: HPSCI
SUBJ: JFK ASSASSINATION DOCUMENTS

RESPONSIBLE OFFICER: RICHARD SCHROEDER - SECURE: 3-9940

---> (PARTICIPANTS) <---

ASSOC	NAME	ROLE
STAFF	BARTON, CHRISTOPHER (HPSCI)	
STAFF	DUPART, LOUIS H. (HPSCI)	
STAFF	EBERWEIN, CATHERINE D. (HPSCI)	
STAFF	HEALEY, LOUISE CHRISTINE (HPSCI)	
STAFF	LOWENTHAL, MARK M. (HPSCI)	
STAFF	OUELLETTE, SUSAN MARY (HPSCI)	
STAFF	SHEEHY, MICHAEL WILLIAM (HPSCI)	
CIA	CIPRIANI, LINDA (DCI/OGC)	BRFR
CIA	HARRELSON, BARRY (DCI/CSI)	BRFR
CIA	PEREIRA, JOHN (DCI/CSI)	BRFR
CIA	SCHROEDER, RICHARD (DCI/OCA)	SPRT
CIA	WICKHAM, FRED (DO/IMS)	BRFR

SECRET

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RESPONSIBLE OFFICER: RICHARD SCHROEDER - SECURE: 3-9940

---> (PARTICIPANTS) <---

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STAFF	LOWENTHAL, MARK M. (HPSCI)	
STAFF	OUELLETTE, SUSAN MARY (HPSCI)	
STAFF	SHEEHY, MICHAEL WILLIAM (HPSCI)	
CIA	CIPRIANI, LINDA (DCI/OGC)	BRFR
CIA	HARRELSON, BARRY (DCI/CSI)	BRFR
CIA	PEREIRA, JOHN (DCI/CSI)	BRFR
CIA	SCHROEDER, RICHARD (DCI/OCA)	SPRT
CIA	WICKHAM, FRED (DO/IMS)	BRFR

EXECUTIVE SUMMARY:

Following a telephone conversation with HPSCI staff in which HRG/CSI noted a number of JFK assassination declassification issues (see OCA C/96-05672 of 27 Mar 96,) CSI, DO, and OGC briefed staff on the status of the JFK declassification effort, the 1992 law which established the JFK Assassination Records Review Board and the scope of the Board's authority, and the details of some current declassification issues we have been addressing with the Board. We noted the close working relationship between the Agency and the Board, and said that the Board staff is trying to understand the Agency's equities and perspectives. Some staff expressed concern about the Board's broad powers and authorities under the 1992 law, particularly regarding declassification of intelligence material bearing on identities, sources, and methods. (S)

SUPPORTING TEXT:

1. C/CSI/Historical Review Group Pereira opened by briefly describing the nature of the CIA JFK material. The open-ended "Oswald 201" also includes material gathered later, and the "sequestered file" is that material that was

assembled for the JFK assassination investigations. All is being processed for declassification, with some 227,000 pages already released. Some seventy percent of the released material contains redactions, although later in the briefing we noted that as our experience has grown the redaction standards have evolved and now most material (up to eighty percent) is being released whole. Some 25 senior annuitants, working closely with a DO team led by Wickham, have been performing the initial review. Pereira pointed out that we are not only reviewing the assassination records, but those records bearinmg on our own investigation of the assassination. Pereira identified the five academic historians who make up the Board, and said they are supported by thirty full-time Board staffers headed by former Berlin Documentation Center chief David Marwell. Pereira said that the 1992 Act specifies that the Board must have "clear and convincing evidence" if we want to postpone release, and said that the Board requires "current justification" if we want to protect agent identities, sources and methods, or liaison identities. Under the law, the Board has the authority to release all information, and must justify in the Federal Register within fourteen days any redactions. The Board sees the full text of all documents. Pereira said that we negotiate with the Board the use of summaries or generic descriptions (such as substituting "a northern European station" for Helsinki) and that the Board is making an "honest effort" to see the connection between thirty year old information and current damage to Agency equities. Dupart asked rhetorically whether the Board understood the concept of ongoing liaison, with Wickham saying that the Board clearly had a different perspective from the DO, and that the ADDO, General Counsel, Cover Staff and others have briefed the Board in detail to address this "problem." Harrelson pointed out that our joint teltaps had recorded Oswald himself, although we assured the clearly unhappy Dupart that we are trying to protect the fact that liaison cooperated in the teltaps. We also noted our effort to protect the identities of covert Agency employees, although we are working particularly hard in cases where the Agency employees now reside overseas. Pereira said we are concerned about the cumulative erosive effect on our cover and our ability to conduct operations. He noted that the Boards tends to focus on individual specific cases without recognizing the broader cumulative impact of their discrete decisions. (S)

2. Cipriani described the appeals process specified in the 1992 JKF Act. She also lent Sheehy a copy of the act, which he studied carefully during the briefing. Under the 1992 act, documents related to JFK carry the "presumption of release," with the Board defining which records fall under the act. We have to justify any redactions or postponements, and Board decisions can only be appealed to

the President himself (which, as Cipriani dryly noted, tends to inhibit appeals.) The act also specifics very short deadlines, with only 30 days for the President to make his decision. (This means we have only about seven days to get our appeals out of Hqs and to the White House--a practical impossibility.) Our only appeal to date involved three issues: (i) a cable implicating senior Mexican officials in our joint teltaps, (ii) the identification of the very sensitive Helsinki Station, and (iii) the identity of a Nicaraguan source. In fact our appeal took several months, with the Board being very accommodating about the delay, and we finally were able to give the Board enough justification and explanation that they changed their position and spared the White House the decision. Healey noted that the Agency declassification team includes a DO team (as noted above,) and asked why we hadn't been able to head off the problem. Cipriani responded that new information arises for the Board to consider in making its determination, and Wickham elaborated by noting that the DO is reluctant to reveal sensitive current information to protect old material. He characterized this as a problem of "DO culture." At the same time, he cited the specific example of the Mexicans declining to meet the DCI on his recent Latin American trip as illustrative of Mexican sensitivity to the liaison issue. We later noted that the only other appeal thus far involves the FBI, and the White House has told the Bureau to resolve the matter with the Board. (S)

3. Pereira noted to the staffers that we're dealing with very short deadlines involving enormous volumes of material, and illustrated by showing the staff a bulky recent Board declassification notification which we must review to confirm we have no problem with the material involved. In response to a Sheehy question, Harrelson reminded staff that the original redaction and submission to the Board took place in 1992-3, and as noted above, our redaction standards and judgements have evolved since then. Further, we have to double-check each release to confirm we concur, and in some cases compare substitute language. Sheehy asked why we would object to such a thing as the acknowledgement of Tokyo station, and seemed impressed and persuaded when Wickham patiently explained that both the Japanese and Ambassador Mondale have strongly recommended against confirming the existence of the station. The Japanese are very sensitive to any public acknowledgement of our liaison relationship. Wickham noted that the Board is trying to document Oswald's travels, and wants to identify stations reporting such travel. Pereira said that we recognize the need to report the facts, but want to protect details that do not add to the story but harm our equities. In response to a Healey question, Pereira said we are making progress in giving the Board staff the context and framework necessary to appreciate and support our concerns. He said the staff tries very hard to give the Board necessary background, and

Wickham seconded Pereira's assessment that we have a very good working relationship with the staff. Under the provisions of the act, the Board will be working until October 1997, dealing with CIA, FBI, DepState, as well as private individuals and even foreign governments. They are interviewing people, and as Pereira noted, "getting theories." (S)

4. Staff, even those who asked pointed questions like Healey and Sheehy, seemed satisfied. Majority staffer Eberwein, perhaps reflecting concerns voiced by deputy majority director Dupart about protecting Agency sources and methods, however, expressed concern later about possibly amending the '92 act to moderate the act's bias toward release. Indeed, she contacted OCA lawyer Cindy Ellis and asked her to draft language amending the act. It had not been my impression during the briefing that staff had been especially concerned about the act to the point of intending to modify it, and its also unclear whether Eberwein was acting on behalf of senior majority staff or the membership in asking OCA to suggest modifications to the act. (S)

Richard E. Schroeder
DCI/OCA/CLG
15 April 1996

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TO: Richard E. Schroeder-C-
FROM: Linda C. Cipriani
DATE: 04/15/96 05:30:04 PM
SUBJECT: Re: DRAFT--OCA MFR on 10 Apr 96 HPSCI JFK Docs Brief

Looks OK to me - I was especially pleased to read that the staff was concerned about the the presumption for release in the Act and asked Cindy Ellis to draft language modifying the act. If Cindy needs any help, I would be very happy to give her some suggestions!!

I would greatly appreciate being kept informed as this progresses.

Thanks - Linda

CC: John Pereira, J. Barry Harrelson, Fred Wickham @ DO, Linda Cipriani

TO: Richard E. Schroeder-C-
FROM: John F. Pereira
DATE: 04/16/96 02:40:06 PM
SUBJECT: Re: DRAFT--OCA MFR on 10 Apr 96 HPSCI JFK Docs Brief

The MFR looks basically fine.

Two minor suggestions:

Par 1. - change "our own investigation" to the House Assassinations Committee's investigation

Par 1, last sent. - change last part of sent to read without always focusing on the broader cumulative impact of their discrete decisions.

CC: J. Barry Harrelson